UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,580	09/19/2003	Gary Fernandez	113794.138 US2	6441

23483	7590	02/09/2005

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EXAMINER
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ART UNIT	PAPER NUMBER
2863	

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>19 September 2003</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-10</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-4,7 and 8</u> is/are allowed.

6)☒ Claim(s) <u>5 and 9</u> is/are rejected.

7)☒ Claim(s) <u>6 and 10</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>19 September 2003</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 5 and 9 rejected under 35 U.S.C. 102(b) as being anticipated by Rash et al. (U.S. Patent No. 6,450,411).

With respect to claims 5 and 9, Rash et al. disclose a system and method for maintaining environmental stabilization and inventory including receiving a message that specifies a responsiveness measure, a client, a server, and a networked service (see e.g. Abstract), selecting from a database a path corresponding to the client and the server (see e.g. col. 9-10), and adding the responsiveness measure to an aggregate sample of a plurality of clients, the aggregate sample selected according to the set, the path, and the networked service (see e.g. col. 10. lines 48-65).

Allowable Subject Matter

3.   Claims 6 and 10 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4.   Claims 1-4, 7-8 allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Although the prior art disclose several claimed limitations, for example:

Bowman-Amuah (U.S. Patent No. 6,662,357) discloses a system, method, and article of manufacture are provided for managing information in a development architecture framework. Common information that is used by a plurality of components of a system is allowed to be accessed in a single, shared repository. Unique information that is unique to the components of the system is stored in corresponding designated folders. Media content communicated in the system is managed based on metadata thereof.

Dietz et al. (U.S. Patent No. 6,665,725) disclose a method of performing protocol specific operations on a packet passing through a connection point on a computer network. The packet contents conform to protocols of a layered model wherein the protocol at a at a particular layer level may include one or a set of child protocols defined for that level. The method includes receiving the packet and receiving a set of protocol descriptions for protocols may be used in the packet. A protocol description for a particular protocol at a particular layer level includes any child protocols of the particular protocol, and for any child protocol, where in the packet information related to

the particular child protocol may be found. A protocol description also includes any

protocol specific operations to be performed on the packet for the particular protocol at

the particular layer level. The method includes performing the protocol specific

operations on the packet specified by the set of protocol descriptions based on the

base protocol of the packet and the children of the protocols used in the packet.

Trebes, Jr. (U.S. Patent No. 6,317,438) discloses a method for providing a

telecommunications service between a first peer element connected to the

telecommunications network environment and a second peer element connected to

the telecommunications network. At a first peer element, an indication of the type of

telecommunications service to be provided between the first peer element and the

second peer element is received. A telecommunications service template in

association with the indicated telecommunications service is determined, the

telecommunications service template including instructions for configuring the non-

participating elements of the telecommunications network environment to provide the

indicated telecommunications service and instructions for configuring the participating

elements of the telecommunications network environment.

As per claim 1, none of the prior art teach singularly or in combination defining a

collection of resources, each such resource being a source of application events; and

defining a first transaction as a timeframe for measuring application responsiveness,

the first transaction including a pattern of application events from resources in the

collection of resources, the pattern defined as a block of constructs, wherein each

construct in the block of constructs is selected from a group of construct syntaxes

consisting of an event construct syntax, a choice construct syntax, a sequence

construct syntax, and a last construct syntax, wherein: the event construct syntax

specifies a category of application events for the pattern to accept; the choice construct

syntax specifies an option set of constructs from the group of construct syntaxes, any

one of which is acceptable to the pattern; the sequence construct syntax specifies a

sequence of constructs from the group of construct syntaxes, for the pattern to accept

sequentially; and the last construct syntax specifies a final set of constructs from the

group of construct syntaxes, such that the final set of constructs must be satisfied for

the pattern to be matched.

As per claim 4, none of the prior art teach singularly or in combination detecting

an application instance that has a stream of application events, instantiating a finite

state machine to recognize transactions in the stream of application events for the

application instance, the finite state machine including a collection of states and a

collection of transitions, each such transition having criteria for events that qualify to

transition between a source state for the transition and a destination state for the

transition, the source state and the destination state being among the collection of

states, associating a first token with an initial state in the collection of states,

processing the stream of application events sequentially, including, for each such

event, comparing the event to a processed transition in the collection of transitions and

associating an event token with the destination state of the processed transition if the

event satisfies the criteria of the processed transition; and recognizing a transaction if a

final state in the collection of states is associated with the event token for a candidate event in the stream of application events.

As per claim 7, none of the prior art teach singularly or in combination constructing a collection of string descriptions of window properties, including generating a base string description for a base window having an ancestry hierarchy of parent windows, and recursively generating subsequent string descriptions of the parent windows by following the ancestry hierarchy; calculating a hash of the collection of string descriptions; identifying the base window with an object identifier that combines an application name for an application associated with the base window, a numeric length of the collection of string descriptions, and the hash.
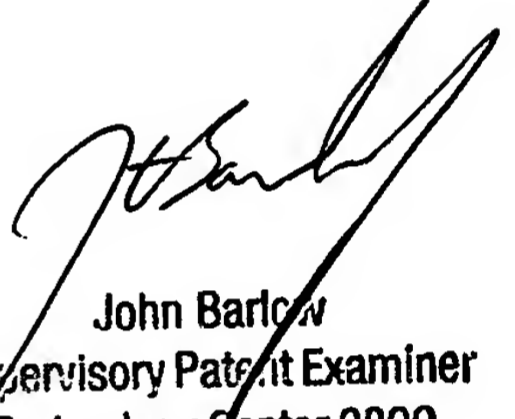
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hien X. Vo whose telephone number is (571) 272-2282. The examiner can normally be reached on M-F (8:00-5:30) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Hien Vo
02/02/05

John Barlow
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